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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,599	10/17/2003	Toshiaki Nishiguchi	1163-0473P	9345

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EXAMINER

PATEL, GAUTAM

ART UNIT PAPER NUMBER

2627

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/686,599

Applicant(s)

NISHIGUCHI, TOSHIAKI

Examiner

Gautam R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**Response to Amendment**

1. This is in response to amendment filed on 9/22/06.
2. claims 1-2, 4-7 remain for examination. Claims 4-7 are newly presented for examination.

**Claim Rejections - 35 U.S.C. § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Numata, US. patent 5,831,953 (hereafter Numata).

As to claim 4, Numata discloses the invention as claimed, an optical disk device [see Figs. 1 & 5-6] including a lens, a controller a memory and a central controller, comprising:

a lens [fig. 5, unit 5] that focuses on an optical disk [col. 5, lines 34-40];

a controller [fig. 5, unit 14] that controls the focusing position of the lens [col. 5, lines 56-65];

a memory [fig. 5, unit 6] that stores initial data values used by the controller to initially set the lens focusing position and also stores correction data values used to perform correction of the lens position after the initial setting of the lens focusing position; and

a central controller [fig. 5, unit 6] that determines if the lens focusing position is correct at the initial data values and determines if correction data values need to be used to position the lens properly if the lens focusing position is not correct using the initial values, wherein the correction data values, if used to properly position the lens focusing position, are stored in the memory as the initial data values [col. 5, line 66 to col. 6, line 67 & col. 8, lines 3-11].

4. The aforementioned claim 5, recites the following elements, inter alia, disclosed in Numata:

an ambient temperature measuring device that measures the ambient temperature in

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proximity to the disk, where the initial data values are adjusted according to the measured ambient temperature [col. 11, lines 3-11 and col. 11, lines 43-65].

5. As to claims 6-7, they are method claims corresponding to claims 4-5 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 4-5 respectively, above.

#### **ALTERNATE REJECTION**

6. Claims 4-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Okajima, US. patent Application 2002/0051410 A1 (hereafter Okajima).

As to claim 4, Okajima discloses the invention as claimed, an optical disk device [see Figs. 2-4] including a lens, a controller a memory and a central controller, comprising:

- a lens [fig. 3, unit 16] that focuses on an optical disk;
- a controller [fig. 3, unit 17] that controls the focusing position of the lens;
- a memory [fig. 3, unit 17 inherently has memory] that stores initial data values used by the controller to initially set the lens focusing position and also stores correction data values used to perform correction of the lens position after the initial setting of the lens focusing position;
- and

- a central controller [fig. 3, unit 17] that determines if the lens focusing position is correct at the initial data values and determines if correction data values need to be used to position the lens properly if the lens focusing position is not correct using the initial values, wherein the correction data values, if used to properly position the lens focusing position, are stored in the memory as the initial data values [paragraphs 40-48].

NOTE: Fig. 4, shows repeated focus search.

7. The aforementioned claim 5, recites the following elements, inter alia, disclosed in Okajima:

- an ambient temperature measuring device that measures the ambient temperature in

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proximity to the disk, where the initial data values are adjusted according to the measured ambient temperature [paragraph 0009].

8. As to claims 6-7, they are method claims corresponding to claims 4-5 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 4-5 respectively, above.

9. Applicant's arguments with respect to claims 1-2 and 4-7 have been considered but are moot in view of the new grounds of rejection.

#### **ALLOWABLE SUBJECT MATTER**

10. Claims 1-2 are allowed over the prior art of record.

NOTE: Claim 1-2 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose an optical disc device with memory to store corrective values with a data table which includes “storage of information with respect to amount of movement of the lens corresponding to ambient temperature obtained from temperature detection means as an initial value which is set to the servo control means”. It is noted that the closest prior art, Okada et al. (US 6,400,663) shows a similar apparatus which all the elements including memory for storage of the parameters. And Lee et al. US patent 5,307,336 does teach refocusing based on the temperature changes. However Okada and Lee fails to teach or disclose storage of information [parameters] with respect to amount of movement of the lens corresponding to ambient temperature obtained from temperature detection means as an initial value which is set to the servo control means

11. Applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

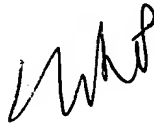
**Contact information**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2600) where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dwayne Bost, who can be reached on (571) 272-7023.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.



**GAUTAM R. PATEL  
PRIMARY EXAMINER**

Gautam R. Patel  
Primary Examiner  
Group Art Unit 2627

October 30, 2006